



Save Our Groundwater

P.O. Box 182
Barrington, NH 03825

12 November 2004

New Hampshire DES Water Council
c/o Michael Scalafini, Appeals Clerk
29 Hazen Drive
Concord, NH 03302

RECEIVED

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Re: *Docket No. 04-17 WC*

Gentlemen / Mesdames:

I am writing on behalf of Save Our Groundwater [SOG] to advise the Water Council of SOG's intention to request reconsideration of the Water Council's actions of 13 October 2004 denying our request for an Appeal.

The basis for reconsideration will be twofold: 1] It is our contention that the Water Council does have jurisdiction in the matter [see SOG Motion Objecting to DOJ's Motion to Dismiss]

2] It is SOG's contention that the legal advice given to the Council was improper, since the advice was provided by the same DOJ which filed a Motion to Dismiss on our prior Motion [see SOG letter of 11 October 04].

Each of the above documents will be incorporated into SOG's Motion to Reconsider.

As of today we have not received any written decision from the Water Council regarding the action taken 13 October 04 and reported in the Water Council's draft minutes. In talking to Mr. Scalafini, I understand we will have thirty days to file our formal Motion for Reconsideration from the time the written decision is issued.

Further we have not received any response to our 11 October 04 letter regarding "independent and impartial legal advice" provided to the Council.

Based upon our observations no attempt has been made to take appropriate actions like an "ethical wall" or "Chinese Wall" at the DOJ. This lack of independence concerns us greatly, since going back several months; the DOJ has taken a position of lack of jurisdiction by the Water Council. It is our firm belief that the Water Council is entitled to receive truly independent legal advice on this important matter in order that it may make fair and impartial decisions.

Please consider this letter to be our preliminary request for reconsideration of the Water Council's actions taken on 12 October 2004 regarding our appeal.

Sincerely,


Bill McCann, Member
SOG Board of Directors

Cc: Mark E. Beliveau, Esq.
E. Tupper Kinder, Esq.
Armand M. Hyatt, Esq.
Richard W. Head, Assistant Attorney General